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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Grazyna Skłodowska-Grezałk

Plaintiff,

-against-

Evelina Grezałk

Defendant(s).

NOTICE OF MOTION

12 cv 4520 RJD

PLEASE TAKE NOTICE that upon the annexed affidavit or affirmation of Grazyna Skłodowska-Grezałk, sworn to or affirmed

June 30, 20 15 and upon the complaint herein, plaintiff will move this Court, _____, U.S.D.J., in room ___, United States Courthouse, Brooklyn, New York 11201, on the ___ day of _____, 20 ___, at _____ or as soon thereafter as Pro Se counsel can be heard, for an order pursuant to Rule _____ of the Federal Rules of Civil Procedure granting

Motion for Recusal of Magistrate Judge Cheryl L. Pollak Pursuant to 28 U.S.C. § 455

Dated: June 30, 2015

Plaintiff Pro Se

Grazyna Skłodowska-Grezałk
Signature
Grazyna Skłodowska-Grezałk
Print Name
144 Wyndham Dr
Address
Cresco, PA 18326
Phone #
201 681 0076

June 30, 2015

12-cv-4520(RJD)(CLP)

Plaintiff Grażyna Skłodowska-Grezak seeks recusal of Magistrate Judge Cheryl L. Pollak.

Plaintiff moves U. S. District Court - Eastern District of New York (Brooklyn) to grant Plaintiff's Motion for Recusal on the ground that Judge Pollak is recused herself under 28 U. S.C. Section 455(a) from Civil Action No. 12-cv-4520(RJD)

Title 28 U.S.C. Section 455(a) provides in relevant part "(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. The test for recusal under § 455(a) is whether a "reasonable person, with knowledge of all the facts, would conclude that the judge's impartiality might reasonably be questioned." In re Kensington Int'l Ltd., 368 F. 3d 289, 301 (3d Cir. 2004). Under § 455(b)(1), a judge is also required to recuse herself where she has a personal bias or prejudice concerning a party."

The relevant consideration under Section 455(a) is the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.* 486 U.S. 847, 108 S. Ct. 2194, 100 L. Ed. 2d 855 (1988) The very purpose of 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible. *Liljeberg*, 108 S. Ct. at 2205

The right to a "neutral and detached judge" in any proceeding is protected by the Constitution of United States and is an integral part of maintaining the public confidence in the judicial system. ~~Ward v. Marshall~~ v. Jerrico, Inc. 446 U.S. 238, 243 (1980) Congress has sought to secure impartiality of judges by requiring them to step aside.

On September 10, 2012 Plaintiff filed this action against defendant Evelina Gerezak, seeking monetary damages for defendant Gerezak's alleged fraud and conversion. On During this case, pending about 3 years, Plaintiff on numerous occasions suffered significant Prejudice, Harm, financial costs, what was extremely exarberated during Discovery to this case resulted in "Stay of Discovery."

On May 15, 2015 Plaintiff asked the Court to close the case because of ~~as~~ she suffered Prejudice and harm what can even result in death of her. And she seeks medical help for worsen physical condition in 2015 and lost her health Insurance and Income. Due to prolonged Intimidation and Harassment of Plaintiff supported with ^{filed Motions and} the evidence she seeks a judicial decision affirming the above behavior from Lawyers and Defendant.

On May 15, 2015 Magistrate Judge Pollak Ruled in favor of Lawyers and Defendant without addressing all the merits in Plaintiff's Motions for sanctions, injunctions 2.

requesting to terminate Defendant's Motion for Sanctions against Plaintiff and Defendant's opposition to Plaintiff's Motion for Injunctions against adverse party, because the Judge allegedly has a personal interest in the outcome.

The magistrate Judge did not consider my remarks, that lawyers repeatedly withheld their filings to this Court from me. A judge is only supposed to talk about the substance of a case with both parties together. Mr. Marec withheld many facts to this case. The most painfull for me is that he imputed wrong on me, guilt to twists the real facts and to have a false reason for his withdrawal. Next this Defamation of me and his withdrawal carefully withheld from me. The Magistrate Judge did not give me any opportunity to defense myself against false offence on me. I will be harassed with this withdrawal based on such a reason to the end of my life. It was done multiple times already. Mr. Marec was looking for a revenge for his Disqualification from this case. The harassment and Intimidation was exacerbated at the end of 2014 and the entire time of 2015 from all Lawyers and Defendant when the Court and Plaintiff was looking for dialogue with Defendant. The Settlement was created. In Reality it was designed to hurt me for contacting Police and Courts and for non-compliance in general. I refused to sign ~~the~~ such a document and "paid" for this during the Discovery According to the Record Judge Pollak has been in conflict 3.

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with her mother for the most of her life. The Judge was assigned to a matter where Defendant is in conflict with her mother as well. For this reason, Judge's personal background, there is a strong appearance of impropriety is created with Magistrate Judge Pollak. The Judge do not have her own daughter. It is hard to understand Plaintiff's grief over ruined mother-daughter Bond and pain from prolonged daughter's Harm. Once again, Plaintiff strongly believes that Judge's conflict with mother in the past questions Judge's impartiality and prevent her from treating the Plaintiff fairly. And the well-informed observer would question Judge Pollak's impartiality. Judge Pollak's written comments on Orders in the matter of Lawyers, during the entire time of Plaintiff's battle with them, indicate Judge's strong biased view of pursuing matter against them that would lead a reasonable member of the public to question the impartiality of Judge Pollak. And a reasonable, well-informed observer could believe that the rulings on May 15, 2015 were based on impartiality, bias, in favor of Lawyers and Defendant against Plaintiff. Here, the Recusal will promote confidence. And the Judge may feel that for personal reasons, she will not be able to act impartially in any future proceeding in this matter if it will be continued.

For the foregoing reasons and arguments of law, the Plaintiff respectfully ask Honorable Judge Cheryl L. Pollak to consider recusing herself.

c.c. Judge Raymond J. Dearie
c. c. Magistrate Judge Cheryl L. Pollak
c. c. Beth Codas Finkelstein

Respectfully Submitted
Grazyna Sklodowska-Grezak
Grazyna Sklodowska-Grezak
Plaintiff Pro Se

OR: I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 30, 2015

Grange Sedawie-Gresh
Signature
Plaintiff Pro Se

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

2015 JUN 30 AM 9:55

Grazyme Skłodowska-Grezak

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK

Plaintiff, :

Affirmation of Service

-against- :

Eveline Grezak

Defendants. :

12 cv 4520, RJD

----- X

I, Grazyme Skłodowska-Grezak, declare under penalty
of perjury that I have served a copy of the attached Notice of
Motion and Affirmation/Affidavit in support upon

Beth Finkelstein Ropes and Gray LLP

whose address is: 1211 Avenue of the Americas
New York, NY 10036.

Dated: June 30, 2015
, New York

Grazyme Skłodowska-Grezak
Signature

144 Wyndham Dr
Address

Cresco, PA 18326
City, State & Zip Code

201 681 0076
Telephone